W.P. No. 397 (M/S) of 2003

Hon. Irshad Hussain, J.

Heard.

In pursuance of the order dated 10.07.2002 passed in writ petition no.51 of 2001 the order is said to have been passed by the respondent-authority on 3rd of May, 2003. The contention of the petitioner is that three instalments were paid and the fourth instalment of the wages was not paid in view of the fact that the workman had neither vacated the accommodation despite his superannuation nor the arrears of the rent was paid. This fact was highlighted in the application dated 29.03.2003 preferred by the petitioner before the respondent-authority, but no order was passed on it after considering the matter in controversy. Instead the impugned order was passed whereby the petitioner had been directed to pay the last instalment of Rs.39,925.00 and in default the recovery had to be made as arrears of land revenue. Since about forty thousand rupees are said to be due from the workman, it will be just and proper that the operation of the impugned order is stayed and the respondent-authority directed to first decide the application dated 29.03.2003 by speaking order after giving opportunity of hearing to both the parties. The application shall be disposed of within a period of fifteen days.

Accordingly it is ordered that the operatyion of the impugned order is stayed and the respondent-authority is directed to first decide the application dated 29.03.2003 by speaking order after giving opportunity of hearing to both the parties. The application shall be disposed of within fifteen days from the production of certified copy of this order. With this direction the petition is finally disposed of.

(Irshad Hussain, J.)

16.05.2003/B.